



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

July 1, 2005

**MEMORANDUM**

TO: ALLAN D. SILBERMAN  
DIRECTOR  
ALTERNATIVE DISPUTE RESOLUTION

THROUGH: JAMES A. PEHRKON  
STAFF DIRECTOR

ROBERT J. COSTA  
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: ADR REFERRAL OF REPUBLICAN MAIN STREET  
PARTNERSHIP POLITICAL ACTION COMMITTEE

Republican Main Street Partnership Political Action Committee ("the Committee") is being referred to the Office of Alternative Dispute Resolution (ADR) for failure to file two (2) 24-Hour Notices totaling \$26,139.25 to support independent expenditures disclosed on the Amended 2004 August Monthly Report for the 2003-2004 election cycle. In accordance with the 2003-2004 *RAD Review and Referral Procedures for Unauthorized Committees (Standard 7)*, a review by your office is required.

Copies of any reports or letters filed by the Committee or sent by the Reports Analysis Division and referenced in this referral are available for your review on the FEC Imaging System or web site.

If you have any questions regarding this referral, please contact Maureen Benitz at 694-1135.

Attachments

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REPORTS ANALYSIS REFERRAL  
TO  
OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: July 1, 2005

ANALYST: Maureen Benitz

- I. COMMITTEE: Steve Gunderson, Treasurer  
(C00165159)  
Republican Main Street Partnership  
Political Action Committee  
2201 Wisconsin Avenue, NW  
Suite 320  
Washington, DC 20007
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii)  
2 U.S.C. §434(g)(1)  
11 CFR §104.4(c)

III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Notice)**

Republican Main Street Partnership Political Action Committee ("the Committee") failed to file two (2) 24-Hour Notices for independent expenditures, totaling \$26,139.25, made after the 20<sup>th</sup> day but more than 24 hours before 12:01 A.M. of the day of the 2004 Congressional Primary Election held on August 3, 2004 in the State of Michigan (Attachment 2).

On February 2, 2004 and August 27, 2004, Prior Notices listing the official filing dates for monthly filers were sent to the Committee. The notices included a section titled *48- and 24-Hour Reports on Independent Expenditures* which read as follows, "Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1<sup>st</sup> and the 20<sup>th</sup> day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent

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expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate." (Attachment 3)

On September 29, 2004, the Committee filed an Amended 2004 September Monthly Report which included a Schedule E disclosing two (2) independent expenditures, totaling \$26,139.25, made on behalf of one (1) federal candidate and designated for the 2004 Primary election in Michigan. Based upon the information and expenditures disclosed within this report, it appeared that the committee was required to file a 48-Hour Notice with the Commission (Image 24971607046).

On October 22, 2004, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2004 September Monthly Report, received on September 29, 2004. The RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Notices for two (2) independent expenditures totaling \$26,139.25. It further stated that if a communication is aired in one reporting period and payment is made in a later reporting period, then the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated and on Schedule D if it is a reportable debt. Finally, the RFAI stated that although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration (Image 24038593324).

On November 16, 2004, the Committee filed a miscellaneous report in response to the RFAI referencing the Amended 2004 September Monthly Report. The e-text attachment stated that, "the Committee did not receive the production invoices until the payment date of August 23, 2004. The failure to file this 24 hour report was an exception rather than the norm and occurred only because the Committee could not get invoices which would have triggered the filing of the report." (Image 4962875632)

Additionally, on November 16, 2004, the Committee amended the 2004 August Monthly Report which disclosed the two (2) independent expenditures of \$26,139.25, as memo entries on Schedule E and as debts owed by the Committee on Schedule D. Based on the dates of public dissemination, disclosed on the Schedule E, the Committee did not have to file 48-Hour Notices but, instead, was required to file 24-Hour Notices for the independent expenditures (Image 2496287502).

On November 29, 2004, the Reports Analysis Division ("RAD") analyst called and left a voicemail message for the Committee's Treasurer, Steve Gunderson, in reference to the Amended 2004 September Monthly Report filed on November 16, 2004. The analyst informed the Committee that the issue of the missing notices for independent expenditures disclosed on the report would be referred to ADR. The analyst also stated that the Committee should respond within one week by filing the notices and providing any other clarifying information as to why the notices were not filed (Attachment 4).

The Committee's Report Preparer, Amy Gilbert, returned the RAD analyst's call on November 29, 2004 and stated that the notices would be filed immediately. The analyst highlighted that the Committee needed to respond in one week by filing the

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notices and any other information explaining why the notices were not filed because this issue was referable to the Office of ADR (Attachment 5).

Also on November 29, 2004, the Committee filed a 24-Hour Notice for the two (2) independent expenditures totaling \$26,139.25. However, the dates of the expenditures disclosed on the notice by the Committee reflected the payment date rather than the public dissemination date (Image 24971940767).

On December 22, 2004, an RFAI was sent to the Committee referencing the Amended 2004 August Monthly Report, received on November 16, 2004. The RFAI noted that the Committee may have failed to timely file one or more of the required 24-Hour Notices, for two (2) independent expenditures totaling \$26,139.25, and although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration (Image 24038671351).

On January 10, 2005, the Committee filed a miscellaneous report in response to the RFAI referencing the Amended 2004 August Monthly Report, received November 16, 2004. The e-text attachment stated "please be advised that the payment dates were erroneously provided on the 24-Hour Notice rather than the public dissemination dates." The response further explained that the correct public dissemination dates should be July 26, 2004 and July 28, 2004." (Image 25980112427)

On January 31, 2005, the RAD analyst left a message for the Committee's Treasurer, Steve Gunderson, in reference to the Amended 2004 August Monthly Report, received on November 16, 2004. The analyst advised that the Committee was being referred to ADR for failure to timely file the 24-Hour Notices for Independent Expenditures disclosed on the amended report (Attachment 6).

To this date, no additional information has been provided by the Committee regarding this matter.

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REPUBLICAN MAIN STREET PARTNERSHIP POLITICAL ACTION COMMITTEE

NON-PARTY QUALIFIED  
DC 20007

ID #C00165159

STEVE GUNDERSON

2201 WISCONSIN AVENUE NW SUITE 320 WASHINGTON

FILING FREQUENCY: MONTHLY

FORM TYPE RPT TYPE AI PGI REC DATE PGS BEG IMAGE COVERAGE DATES BEG CASH RECEIPTS DISBURSE END CASH DEBTS BY

MS		2		3/01/2004	1	24990701008						
MS		2		5/10/2004	5	24971218707						
MS		2		7/14/2004	1	24961803605						
MS		2		7/19/2004	1	24961884526						
MS		2		7/26/2004	3	24962043324						
MS		2		7/29/2004	1	24962050293						
MS		2		7/30/2004	1	24962051941						
MS		2		9/08/2004	1	24981272796						
MS		2		10/28/2004	1	24962719470						
MS		T		11/16/2004	1	24962875632						
MS		2		11/29/2004	1	24971940767						

RQ	M4	2		5/12/2004	4	24038410241	3/01/2004	3/31/2004				
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RQ	M8	2		9/22/2004	3	24038522271	7/01/2004	7/31/2004				
RQ	M8	2		10/22/2004	4	24038593320	7/01/2004	7/31/2004				
RQ	M8	2		12/22/2004	4	24038671351	7/01/2004	7/31/2004				

RQ	M9	2		10/22/2004	4	24038593324	8/01/2004	8/31/2004				
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RQ	YE	2		3/02/2005	3	25038744531	11/23/2004	12/31/2004				
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3	M2	N	P	2/14/2003	6	23990403770	1/01/2003	1/31/2003	57804	675	450	58029	0
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3	M3	N	P	3/14/2003	8	23990526553	2/01/2003	2/28/2003	58029	18436	400	76065	0
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3	M4	N	P	4/14/2003	9	23990711292	3/01/2003	3/31/2003	76065	12105	3043	85127	0
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3	M5	N	P	5/12/2003	8	23990885710	4/01/2003	4/30/2003	85127	8601	0	93728	0
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3	M6	N	P	6/16/2003	8	23991085042	5/01/2003	5/31/2003	93728	8675	993	101409	0
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3	M7	N	P	7/13/2003	14	23991332036	6/01/2003	6/30/2003	101409	17745	2697	116456	0
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3	M8	N	P	8/14/2003	9	23991710127	7/01/2003	7/31/2003	116456	8350	425	124381	0
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3	M9	N	P	9/15/2003	8	23991922779	8/01/2003	8/31/2003	124381	2575	9180	117776	0
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REPUBLICAN MAIN STREET PARTNERSHIP POLITICAL ACTION COMMITTEE

NON-PARTY QUALIFIED  
DC 20007

ID #C00165159

STEVE GUNDERSON

2201 WISCONSIN AVENUE NW SUITE 320 WASHINGTON

FILING FREQUENCY: MONTHLY

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	M10	N	P	10/13/2003	14	23992029059	9/01/2003 9/30/2003	117776	13250	6538	124488	0
3	M11	N	P	11/12/2003	10	23992259083	10/01/2003 10/31/2003	124488	14500	1587	137401	0
3	M12	N	P	12/17/2003	13	23992492433	11/01/2003 11/30/2003	137401	14675	7069	145006	0
3	YE	N	P	1/12/2004	14	24990053371	12/01/2003 12/31/2003	145006	14350	12319	147036	0
3	M2	N	P	2/14/2004	8	24990505379	1/01/2004 1/31/2004	147036	7150	8256	145930	0
3	M3	N	P	3/10/2004	11	24990740846	2/01/2004 2/29/2004	145930	10395	6016	150309	0
3	M4	N	P	4/19/2004	11	24991084220	3/01/2004 3/31/2004	150309	27650	13046	164913	0
3	M4	A	P	6/07/2004	11	24961536959	3/01/2004 3/31/2004	150309	27650	13046	164913	0
3	M5	N	P	5/17/2004	10	24961322645	4/01/2004 4/30/2004	164913	19178	19495	164596	0
3	M6	N	P	6/15/2004	14	24961573838	5/01/2004 5/31/2004	164596	8000	19176	153419	0
3	M7	N	P	7/14/2004	10	24961800241	6/01/2004 6/30/2004	153419	2855	3778	152495	0
3	M7	A	P	8/16/2004	11	24962097169	6/01/2004 6/30/2004	153419	2855	6278	149995	0
3	M8	N	P	8/16/2004	16	24962097312	7/01/2004 7/31/2004	149995	8455	84839	73610	0
3	M8	A	P	9/29/2004	17	24971606943	7/01/2004 7/31/2004	149995	8455	84839	73610	900
3	M8	A	P	11/16/2004	18	24962875602	7/01/2004 7/31/2004	149995	8455	84839	73610	27039
3	M9	N	P	9/15/2004	11	24971456002	8/01/2004 8/31/2004	73610	15935	27039	62506	0
3	M9	A	P	9/29/2004	12	24971607035	8/01/2004 8/31/2004	73610	15935	27039	62506	0
3	M9	A	P	11/16/2004	12	24962875620	8/01/2004 8/31/2004	73610	15935	27039	62506	0
3	M10	N	P	10/13/2004	14	24962419407	9/01/2004 9/30/2004	62506	11700	36137	38068	0
3	12G	N	P	10/16/2004	12	24962544878	10/01/2004 10/13/2004	38068	6550	22867	21751	0
3	30G	N	P	11/22/2004	18	24962898099	10/14/2004 11/22/2004	21751	29577	38828	12500	0
3	YE	N	P	1/25/2005	11	25980331714	11/23/2004 12/31/2004	12500	18524	11333	19691	0
TOTAL									299906	338011		

**Republican Main Street Partnership PAC (C00165159)**  
**2004 Amended August Monthly Report (Received 11/16/2004)**  
**Independent Expenditure Overview**

<b>Name of Payee</b>	<b>Date of Expenditure</b>	<b>Amount of Expenditure</b>	<b>Candidate Supported</b>	<b>Election – Date of Election</b>
<b>Strategic Perception, Inc.</b>	<b>7/26/04</b>	<b>\$10,539.25</b>	<b>Joe Schwarz</b>	<b>Michigan – 2004 Primary (8/03/04)</b>
<b>Creative Strategies</b>	<b>7/28/04</b>	<b>\$15,600.00</b>	<b>Joe Schwarz</b>	<b>Michigan – 2004 Primary (8/03/04)</b>

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# MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2004

## REPORTING DATES FOR REMAINDER OF 2004

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DATE <sup>2</sup>	FILING DATE
September	08/01/04 - 08/31/04	09/20/04	09/20/04
October	09/01/04 - 09/30/04	10/20/04	10/20/04
Pre-General	10/01/04 - 10/13/04	10/18/04	10/21/04
Post-General	10/14/04 - 11/22/04	12/02/04	12/02/04
Year-End	11/23/04 - 12/31/04	01/31/05	01/31/05

## WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file Monthly Reports in 2004. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

In an election year, the 12-Day Pre-General and 30-Day Post-General Election Reports are filed in lieu of the November and December Monthly Reports.

**NOTE:** A recent legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 2).

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>2</sup>Monthly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Monthly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

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**ELECTRONIC FILING**

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/electfil/electron.html>.

**48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES**

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1<sup>st</sup> and the 20<sup>th</sup> day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. Visit the FEC web site at [http://www.fec.gov/pages/charts\\_ie\\_dates.htm](http://www.fec.gov/pages/charts_ie_dates.htm) for a state-by-state chart of 48- and 24-hour reporting periods.

**COMPLIANCE**

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit our web site at <http://www.fec.gov/adminfinel.html>.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

**CHANGE IN FILING FREQUENCY**

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

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**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**

# MONTHLY REPORT NOTICE

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## FEDERAL ELECTION COMMISSION

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**PARTIES AND PACS**

February 2, 2004

### WHO MUST FILE

As a monthly filer, you must file Monthly Reports in 2004.<sup>1</sup>

**NOTE:** Recent changes to the law require certain party committees to file monthly reports (quarterly reporting is no longer an option for these committees). For more information, see the January 2004 issue of the *Record*, which can be found on the FEC web site at <http://www.fec.gov/pages/record.htm>. An additional legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 3.)

### REPORTING DATES

REPORT	REPORTING PERIOD <sup>2</sup>	REG./CERT. & OVERNIGHT MAILING DATE <sup>3</sup>	FILING DATE
February	01/01/04 - 01/31/04	02/20/04	02/20/04
March	02/01/04 - 02/29/04	03/20/04	03/20/04 <sup>4</sup>
April	03/01/04 - 03/31/04	04/20/04	04/20/04
May	04/01/04 - 04/30/04	05/20/04	05/20/04
June	05/01/04 - 05/31/04	06/20/04	06/20/04 <sup>4</sup>
July	06/01/04 - 06/30/04	07/20/04	07/20/04
August	07/01/04 - 07/31/04	08/20/04	08/20/04
September	08/01/04 - 08/31/04	09/20/04	09/20/04
October	09/01/04 - 09/30/04	10/20/04	10/20/04
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Year-End	11/23/04 - 12/31/04	01/31/05	01/31/05

<sup>1</sup>Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

<sup>2</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>3</sup>Monthly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Monthly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

<sup>4</sup>Notice that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days.

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Attachment 3

**48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES**

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